

REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 1 and 12 are amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Arthur-Jeanglaude in the March 15, 2006, personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

It is respectfully clarified that, contrary to the Interview Summary, Applicants' invention is not directed to a vehicular braking control device apparatus for a vehicle having all wheels being drive wheels. This was erroneously raised when a potential 35 U.S.C. §103(a) rejection was discussed as a potential argument against such a rejection. However, such a distinction is incorrect and the application is not directed to a four wheel drive vehicle.

In paragraph 4, on page 2 of the Office Action, claims 1-3, 5, 6, 10-14, 16, 17, 21 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Taniguchi et al. (Taniguchi), U.S. Patent No. 5,947,221. The rejection is respectfully traversed.

Applicants' claim 1 recites a vehicular brake force control apparatus for a two wheel drive vehicle comprising a determination device that determines whether vehicle behavior of a vehicle is liable to become unstable when engine brake acts; an estimation device that estimates an engine brake force when engine brake acts, in the case that it is determined that the vehicle behavior is liable to become unstable; a distribution device that distributes the estimated engine brake force to each wheel as a target brake force in accordance with a distribution that stabilizes the vehicle behavior of the vehicle; and a control device that controls at least one of an actual engine brake force and an actual friction control force that are applied to each wheel, such that the target brake force distributed to each wheel is attained. Taniguchi fails to disclose or suggest all of these features.

Contrary to the Office Action assertion, Taniguchi, which is substantially the art described in paragraph [0004] of Applicants' Specification and suffers from the problems attendant thereto, fails to disclose or suggest an estimation device that estimates an engine brake force when engine brake acts, in the case that it is determined that the vehicle behavior is liable to become unstable; and a distribution device that distributes the estimated engine brake force to each wheel as a target brake force in accordance with a distribution that stabilizes the vehicle behavior of the vehicle, as recited in claim 1. Taniguchi only controls the braking forces on the drive wheels by friction brake control to the drive wheels as necessary (after engine braking is applied), or by raising the engine output (thus decreasing the engine braking force to the drive wheels) (col. 2, line 63 to col. 3, line 58). Taniguchi, however, does not estimate the engine brake force and distribute the estimated engine brake force to each wheel as a target brake force, that target brake force for each wheel substantially attained by application of at least one of engine and friction braking. Thus, Taniguchi fails to disclose or suggest all of the features of applicants' claim 1.

Claim 12 is a method claim reciting features similar to those of claim 1. For the same reasons discussed above, Taniguchi fails to disclose or suggest all of the features recited in claim 12.

Further, because claims 2, 3, 5, 6, 10, 11, 13, 14, 16, 17, 21 and 22 incorporate the features of claims 1 and 12, Taniguchi fails to disclose or suggest the features of any of these claims for the foregoing reasons, as well as for the additional features recited therein. Therefore, it is respectfully requested the rejection be withdrawn.

In paragraph 5, on page 4 of the Office Action, claims 1, 2, 5-7, 10-13, 16-18, 21 and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Soga, U.S. Patent No. 6,811,229. The rejection is respectfully traversed.

Contrary to the Office Action assertion, Soga does not disclose or suggest an estimation device that estimates an engine brake force when engine brake acts, in the case that it is determined that the vehicle behavior is liable to become unstable; and a distribution device that distributes the estimated engine brake force to each wheel as a target brake force in accordance with a distribution that stabilizes the vehicle behavior of the vehicle, as recited in claim 1. Soga only teaches a vehicular braking control apparatus and method which controls frictional braking and regenerative braking (Abstract; col. 2, line 47 to col. 3, line 45). Although Soga mentions engine braking force (col. 5, lines 16-31), Soga does not disclose or suggest how the engine braking force is distributed. Therefore, Soga fails to disclose or suggest all of the features of Applicants' claim 1.

Claim 12 is a method claim reciting features similar to those of claim 1. For the reasons discussed above, Soga fails to disclose or suggest all of the features recited in claim 12.

Further, because claims 2, 5-7, 10, 11, 13, 16-18, 21 and 22 incorporate the features of claims 1 and 12, Soga fails to disclose or suggest the features of any of these claims for the foregoing reasons, as well as for the additional features recited therein.

Therefore, it is respectfully requested the rejection be withdrawn.

In paragraph 7, on page 5, claims 3, 4, 8, 9, 14, 15, 19 and 20 are rejected under 35 U.S.C. §103(a) over Soga in view of Yasui et al. (Yasui), U.S. Patent No. 6,895,317. The rejection is respectfully traversed.

Yasui fails to overcome the deficiencies of Soga with respect to claims 1 and 12. As such, the combination cannot suggest the subject matter of claims 3, 4, 8, 9, 14, 15, 19 and 20, which depend from claims 1 and 12 for the reasons set forth above as well as for the additional features recited therein. Therefore, it is respectfully requested the rejection be withdrawn.

In paragraph 8, on page 6 of the Office Action, claims 4, 7-9, 15 and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Taniguchi in view of Yasui. The rejection is respectfully traversed.

Yasui fails to overcome the deficiencies of Taniguchi with respect to claims 1 and 12. As such, the combination cannot suggest subject matter of claims 4, 7-9, 15 and 18-20, which depend from claims 1 and 12 for the reasons set forth above as well as for the additional features recited therein. Therefore, it is respectfully requested the rejection be withdrawn.

At the interview, the Examiner suggested that possibly a combination of Taniguchi and Soga would suggest the claimed invention. Applicants respectfully disagree. Taniguchi is directed to a rear-drive vehicle, that is, the engine drives the rear wheels. Soga is directed to a front-drive vehicle, that is, the engine drives the front wheels. These two different types of vehicles have different drive characteristics and react differently to engine braking. The problems being addressed deal with the problems inherent in rear-drive vehicles not front-drive vehicles. Thus, one skilled in the art would not combine the two vehicles because of their different handling characteristics.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

David R. Kemeny
Registration No. 57,241

JAO:DRK/smo

Date: March 20, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--